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7590

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EXAMINER

HUSEMAN, MARIANNE

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 10/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/690,212

Applicant(s)

MAMDANI ET AL.

Examiner

M. Huseman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-11,13-15,19-22,24-28,30-41 and 44-50 is/are rejected.
- 7) ☒ Claim(s) 8,12,16-18,23,29,42 and 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/17/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 20, 21, 28 and 30 - 33<sup>45</sup> are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 20, line 2, there is no proper antecedent basis for "the transaction fulfillment system".

In claim 28, line 2, it is not clear as to what is meant by "a second fulfillment verification" as there does not appear to be a first verification.

In claims 30 - 33, lines 1 and 2, there is no proper antecedent basis for "the transaction message".

In claim 45, the dependency of claim 45 is improper.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 4, 19, 34, 38 – 41, 48 and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Morrill, Jr.

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Regarding claims 1, 4, 34, 38 – 41 and 49:

Morrill, Jr. teaches a system for conducting wireless financial transactions such that Applicants' transaction management system reads on the service provider's cpu, Applicants' transaction requester reads on the purchaser, Applicants' first transaction code reads on the transaction code of Morrill, Jr., and Applicants' wireless communication device reads on the cellular phone of the purchaser.

Regarding claim 19:

Applicants' step of verifying the first transaction code reads on the code being displayed to the payee.

Regarding claim 48:

Applicants' client computer reads on columns 10 – 11, lines 60 – 67 and lines 1 – 20.

5. Claims 1 – 7, 9 – 11, 13 – 15, 19 – 22, 24 – 27, 34 – 39 and 48 – 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Pitroda.

Regarding claims 1, 34, 38, 39 and 49:

Pitroda teaches a Universal Electronic Transaction Card and system such that Applicants' transaction management system reads on the central computer, element 26, Applicants' transaction requester reads on element 20, Applicants' step of verifying an identity of the transaction requester reads on column 12, lines 54 – 58, Applicants' first transaction code reads on the credit card account number, column 16, lines 30 – 41, and Applicants' wireless communication device reads on element 20 and column 9, lines 54 – 63.

Regarding claims 2, 3, 10, 11 and 21:

Applicants' scannable transaction code reads on the bar code, column 13, lines 33 – 37.

Regarding claim 4:

Applicants' step of communicating the first transaction code from the transaction management system reads on the initial issuing of an account (transaction code) to the UET by the service institution (card issuer) via element 26 (transaction management system), columns 6 and 10, lines 44 – 58 and lines 47 – 52, respectively.

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Regarding claims 5, 22 and 24 - 26:

Applicants' fulfillment system reads on the card issuer and column 14, lines 9 - 22 and column 16, lines 50 - 59. Applicants' second transaction code reads on the authorization number.

Regarding claims 6, 7 and 9:

Applicants' step of authenticating a spoken authentication code reads on the voice print of column 12, lines 56 - 58.

Regarding claim 19:

Applicants' step of verifying the first transaction code reads on column 16, lines 37 - 52.

Regarding claims 13, 14, 15 and 20:

The language of Applicants' claims 13 - 15 and 20, reads on column 10, lines 47 - 52. Broadly interpreted, the sales person, when authorizing a transaction with the card issuer (fulfillment system), sends the card information; account number (transaction code), to the card issuer for authorization, column 16, lines 42 - 52. The main central computer must receive (transaction management system) this final transaction information if it is to be able to store the transactions, therefore, it is believed that upon final approval of the cardholder, this information must be passed onto the main central computer (transaction management system).

Regarding claim 27:

Applicants' step of verifying the second transaction code reads on column 16, lines 54 - 59.

Regarding claims 35 - 37:

Applicants' speech services module reads on column 12, lines 54 - 58 and column 13, lines 13 - 15.

Regarding claim 48:

Applicants' client computer system reads on the UET card.

Regarding claim 50:

The language of Applicants' claim 50 reads on the discussion of claims 1, 2, and 35, above.

***Allowable Subject Matter***

6. Claims 8, 12, 16 – 18, 23, 29, 42 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 28 and 30 - 33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maes et al., Atkins, Ramachandran et al., Musgrave and Dulude et al. each teach the use of Biometric authorization of transactions.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Huseman whose telephone number is 703-605-4277. The examiner can normally be reached on Monday - Friday, 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

*M. Huseman*

M. Huseman  
Examiner  
Art Unit 3621

mh  
September 28, 2002

*[Signature]*  
Hyung-Suk Soogh  
Primary Examiner